



COMMUNITY DEVELOPMENT DEPARTMENT

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PLANNING COMMISSION MEETING MINUTES

REGULAR MEETING

AUGUST 10, 2004

PRESENT: Acevedo, Benich, Engles, Lyle, Mueller, Weston

ABSENT: Escobar

LATE: None

STAFF: Planning Manager (PM) Rowe, Senior Engineer (SE) Creer, Business Assistance and Housing Services Program Manager (BAHS PM) Moskell, Associate Planner (AP) Tolentino, and Minutes Clerk Johnson

Chair Weston called the meeting to order at 7:04 p.m. as he led the salute to the flag.

DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

OPPORTUNITY FOR PUBLIC COMMENT

Chair Weston opened the public hearing.

With no one present from the audience wishing to address matters not appearing on the agenda, the public hearing was closed.

MINUTES

JULY 27, 2004

COMMISSIONERS MUELLER/ACEVEDO MOTIONED TO APPROVE THE JULY 27, 2004 MINUTES, WITH THE FOLLOWING MODIFICATIONS:

Page 4, Last paragraph, last sentence. ~~He spoke about the flat portion above the steep portion on the parking area.~~

~~Mr. Hauge clarified that the entire property is generally steep. The flat area was clarified as being off the property site and just above the steep part west of the parking area.~~

Page 5, Last paragraph, last sentence. Add: During discussion, it was determined that the issue of annexation of the 10 acres had consensus by the Commissioners.

Pages 9 and 10, Section V.: ~~2005—06~~ 2004 – 05

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Page 12, paragraph 2 Add: *Commissioners directed staff to monitor the matter and if it not corrected timely, to bring the matter to the attention of the Commissioners by way of having the Use Permit revisited.*

Page 13, Paragraph 6: *“Generally,” he said, “it runs from the railroad tracks on the east down to Dunne, to south on East Main, to East Dunne to Del Monte; on the West, from First St. and close to Monterey Road, then toward Del Monte encompassing all the area between Del Monte and Depot. the north side of W. Main Ave to south of W. Dunne Ave, and on the east from the railroad tracks to a meandering line along the west wide of W. Main at the north to south of W. Dunne Ave.” He explained the area and noted the west boundary undulates.*

Page 14, paragraph 6 Add: *However, With the exception of Commissioner Mueller, the Commissioners were in agreement as to the spirit of what the CCR text amendment was trying to do. Furthermore, concerns were expressed regarding the medical offices, schools, and daycare not be in proximity to the Monterey Corridor or businesses in possession of an ABC license. (Note: this general consensus was reflected on the third line on page 15, as well.)*

THE MOTION CARRIED WITH THE FOLLOWING VOTE: AYES; ACEVEDO, BENICH, ENGLES, LYLE, MUELLER; NOES: NONE; ABSTAIN: WESTON; ABSENT: ESCOBAR.

Due to the large number of interested persons in attendance, Chair Weston announced that item would be taken out of order and would be heard first this evening.

NEW BUSINESS:

9) PLANNING COMMISSION SUBCOMMITTEE FOR WALNUT GROVE PUD PROCESS (AUTOMOTIVE DISTRICT PROJECT)

Appoint a subcommittee to assist the Morgan Hill Redevelopment Agency staff in their land-use planning effort to establish a precise development plan and development guidelines that may allow additional automotive sales dealerships at the north-west quadrant of U.S. Highway 101 and East Dunne Avenue.

Joyce Moskell, Business Assistance and Housing Services Program Manager, presented the staff report. The issue has come to the Planning Commission, BAHS PM Moskell said, because the City Council, acting as the Redevelopment Agency, has begun a land-use planning project which will encourage the location of an automotive district at the north-west quadrant of US Highway 101 and East Dunne Ave. to be known as the “Walnut Grove PUD”. The subcommittee is given the charge of guiding a community outreach and public input, and finally to create design parameters on which to base a specific plan for the automotive district. BAHS PM Moskell told Commissioners that the subcommittee will establish parameters of time for completion of the data collection and subsequent presentation to the Council. (BAHS PM Moskell suggested tentative dates of January 19, 2005, noting it may be ‘bumped up’ to or April or October.)

Chair Weston asked about time sequence for the work of the subcommittee.

PM Rowe explained to the Commissioners that the earliest time for presentation to the Commission would be in December, 2004; or the second meeting in March, 2005 and then in April to the City Council. If the work of the subcommittee is protracted, PM Rowe informed, an ‘outside date would be October, 2005’.

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Chair Weston opened the public hearing.

Larry Klamecki, 17265 James Lex Lane, indicated he had been selected to address the Commissioners on behalf of the Diana Avenue area residents (and the Walnut Grove neighborhood). Mr. Klamecki said that the neighborhood residents wanted to be on record as having a 'profound objection to the General Plan and specifically the commercial uses near 101 replacing the current use with car dealerships. "We also don't want to have Dunne connect with Diana. We are definitely in favor of the proposed subcommittee. "We feel that the City could also 'shore up' finances with additional sales tax and will work to help select sites for car dealerships that will work. To that end, we will work diligently to achieve to achieve that," Mr. Klamecki declared.

Renay Magioncalcla, 10784 Dougherty Ave., told Commissioners she was appearing on behalf of family. Ms. Magioncalcla expressed concern that, as part of the process, not all properties owners had been informed of the proposed action (naming of the subcommittee). All property owners needed to be contacted, Ms. Magioncalcla stated, noting that the family's property is not for sale. (She indicated that according to City maps, the property under discussion is necessary for completion of a connector route.) Ms. Magioncalcla gave an overview of the property and how it had been acquired when the state built a road.) "This is a very sensitive issue," Ms. Magioncalcla stated.

Noting that no others were present who would address the matter, Chair Weston closed the public hearing.

Commissioner Lyle expressed some confused, asking, "Walnut Grove isn't in the current General Plan as a connector, but the General Plan many years did show this connection."

PM Rowe responded, "There are a couple of possibilities for connectors, including Walnut Grove to Dunne."

Chair Weston said he was appointing a subcommittee of Commissioner Acevedo and Commissioner Mueller both of whom had volunteered to be the representatives.

Commissioner Acevedo asked the makeup of the committee? BAHS PM Moskell informed that the City Council has asked that the subcommittee of the Planning Commission, staff of the BAHS and City-contracted consultants plus representatives of the community work together. She added that the Subcommittee will set up the meeting schedule.

Tom Magas, 17801 Rosemary Circle, asked a question regarding the select of the design consultants.

Commissioner Mueller informed this process is an outgrowth of a prior process which led to general meeting as part of development of plan, ~~and subsequently~~ the City Council hired the consultants to work on the project with staff and the community and the subcommittee.

Commissioner Acevedo announced that if more information is needed, a comprehensive report is on file in City offices, and he wanted the residents to know they could view that report before go into the meeting

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OLD BUSINESS:

1) ZA-04-04: CITY OF MORGAN HILL- CCR TEXT AMENDMENT

A request to amend the zoning text for the Central Commercial Residential CC-R, zoning district, Chapter 18.24 of the Morgan Hill Municipal code to implement land use strategies contained in the updated Downtown Plan.

PM Rowe reported that this matter had been considered at the July 27, 2004 meeting when discussion had resulted in several suggested changes. PM Rowe verified that the modifications had been incorporated into the Code Section as indicated in the staff report. PM Rowe explained that the limitation(s) primarily deal with ground floor restrictions, which in some cases are dependent on CEQA restrictions, as well as other issues identified in early December, 2003 have been included in the currently presented Code update.

Chair Weston opened the public hearing.

With no one in the audience indicating a wish to speak to the matter, the public hearing was closed.

Commissioner Lyle told the Commissioners present that in his opinion, the Code as presented represents the changes requested, with possibly one exception: medical uses and schools should be also restricted from placement on Monterey Road or Third Street. "We could have been more restrictive on Monterey and Third," Commissioner Lyle stated.

Commissioner Acevedo thought the prior discussion had indicated that there should be conditional uses considered for that area.

Commissioner Lyle led discussion by asking if the intent had been 'permitted uses or just conditional only for Monterey and Third?

Commissioner Benich said he had no problem with the Code revisions as presented this evening.

Commissioner Mueller noted that if certain restriction are in place, a medical office or a school may be conditional, cautioning, "If we don't want on that type of facility on Monterey, we may have trouble turning them down on a conditional basis. If not appropriate in that location, we could make those uses conditional in all other areas."

Commissioner Acevedo agreed, saying, "Those uses won't be allowed, as it's stated now on the second floors, but it could still be conditional for the second floors."

Chair Weston raised the issue of residential units on the first floors of buildings on Third Street, saying he thought from now on, anything developed would be ~~industrial~~ *commercial* or retail, not residential. Discussion followed, with PM Rowe explaining there could be either vertical or horizontal mixed use to incorporate the various uses.

Chair Weston indicated he would have a problem with residential dwellings located on Third Street.

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Considerable discussion ensued regarding the amount of industrial/retail/commercial in downtown area versus the amount of potential residential for the area.

Chair Weston cites specifically the south side of Third Street as being of concern.

Commissioner Benich spoke on the importance of not restricting residential in the downtown area.

Chair Weston argued that residential restriction would only on Third Street, adding this is a main conduit for commercial development.

Commissioner Lyle said he would not be in favor of eliminating residential use downtown but would prefer true mixed use: commercial down stairs and residential upstairs.

Chair Weston objected, saying for the area under discussion, the downtown Plan would not allow that.

PM Rowe reiterated the definition of 'mixed use' and how logical development could occur.

Commissioner Acevedo said he is 'fairly confident' that what Chair Weston wants will happen as he spoke of the ~~Library Plan~~ *the project Rocke Garcia has proposed, noting it is a good model for the area*, and adding the ~~Plan~~ *changes to the Ordinance* seems to require that most development will be commercial on the ground floor, with residential above, and have mostly vertical mixed use.

Commissioner Engles and Commissioner Mueller said they were 'OK' with the Plan as revised at the last meeting.

Chair Weston continued to advocate for the change he presented, "We may have something don't want if conditional uses are allowed."

Commissioner Benich reported that 'overall he is OK with the Plan as it is now'.

Commissioner Lyle said the Plan has some 'logical conflicts' which he pointed out. "I think the Plan is ambiguous in some areas," Commissioner Lyle informed.

Sections 18.24.040 and Sections 18.24.060 of the proposed Code changes as presented in the staff report were studied and discussed in detail.

Commissioner Acevedo asked if the area is proposed to be a Planned Unit Development (PUD) ? PM Rowe responded that the area is likely to experience some changes to achieve the mixed use. Commissioner Acevedo suggested having the area designated as PUD now to facilitate Planning and use later.

Commissioner Lyle said he could agree with 'no residential units on the first floor only on Monterey and Third Streets.

Commissioner Acevedo pointed out that this area is more urban than other areas of the

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City, insisting that if residents choose to live downtown they would accept that, and view this as more of entertainment area.

Commissioner Benich noted this has been discussed previously, and reiterated from that discussion, "If a person wants to live above a bar, I agree it should be allowed."

PM Rowe explains that Section 18.24.060 may have emulated from noise issues of the General Plan and Municipal Code and can't be changed. He pointed out that while some changes have made to the proposed code through the Plan, performance standards should be in place. "We haven't had an indication that these standards are overly restrictive," PM Rowe reported. "If Code changes are warranted, we always come back to reconsider such changes."

Commissioner Acevedo expressed concerns that Downtown will be noticed as being different from other areas of the City.

PM Rowe reiterated the changes the Commissioners have already indicated.

Discussion ensued regarding what the Downtown Task Force (several Commissioners had been part of that body) had intended to have happen.

Commissioner Acevedo, one of Commissioners who had been part of the Downtown Task Force, spoke on what the members of the Task Force had intended to have happen. "I'm not happy with not happy with the present way, but a Plan should be refined as it is on-going," Commissioner Acevedo said. Commissioner Lyle, who had also been part of the Task Force agreed.

Commissioner Benich repeated he is 'ok with the Plan as it is now'.

Commissioner Mueller indicated the belief that putting too many restrictions on what is going in won't result in the development the City wants.

Commissioner Lyle stated that there was almost need for another section of uses in the specific area of Monterey and Third streets for example, were it would be 'possible to move around some items to make the Plan work better.'

Chair Weston said some changes are needed. Commissioner Benich and Commissioner Mueller oppose the changes on Monterey and Third.

**COMMISSIONER ACEVEDO OFFERED RESOLUTION NO. 04-76
RECOMMENDING APPROVAL OF TEXT AMENDMENTS TO CHAPTER
18.24 (CENTRAL COMMERCIAL/ RESIDENTIAL DISTRICT) OF TITLE 18
(ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL
WITH THE FINDINGS AND CONDITIONS CONTAINED THEREIN, AND
WITH THE FOLLOWING MODIFICATIONS:**

**18.24.040 E. and F. : Not allowed on the ground floor on the ground floor of
Monterey and Third Streets, and exception being that Medical Offices and
Schools may be placed on Monterey at Dunne.**

**18.24.041 B. Residential units on first floor locations *except on the south side
of Third Street are prohibited.***

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C. Professional Offices

New section (18.24.080???): *Where properties front Monterey Road, Third Street, restrictions will be placed, professional offices and schools are prohibited; residential ground floor uses are NOT to be permitted on the south side of Third Street.*

COMMISSIONER LYLE SECONDED THE MOTION, WHICH CARRIED WITH THE FOLLOWING VOTE: AYES; ACEVEDO, BENICH, ENGLER, LYLE, MUELLER; NOES: NONE; ABSTAIN: WESTON; ABSENT: ESCOBAR.

Commissioner Mueller was excused at 8:05 p.m. for the next order of business, as he sits on a Citizen's Advisory Board of O'Connor Hospital for the DePaul Hospital Health Center, which is in competition with the applicant for the provision of medical services.

**2) ZA-04-07:
DIGITAL-
VENTURE
PROFESSIONAL
CENTER**

A request for approval of a zoning amendment application to rezone approximately 9.4 acres of land within the Morgan Hill Ranch Business Park to allow for medical and general office uses. The subject site is currently zoned Planned Unit Development (PUD), Research & Development/Manufacturing, and is located west of Butterfield Boulevard within the Digital Drive loop. Approximately half of the site is currently developed with light industrial buildings. The remaining portion of the site is proposed for development of a 39,140 sf medical/dental office building and a 21,878-sf office building.

AP Tolentino reported this item has been continued from previous Commission meetings of July 13 and July 27. The traffic study has been reviewed by the applicant and base assumptions of that study were re-evaluated by Planning Staff at the request of the applicant. AP Tolentino also reported on the amount of vacant industrial property available for development within the City (236 acres) and told Commissioners that this represented an approximate eleven-year inventory. AP Tolentino said that one of the tradeoffs for loss of industrial development available with this proposal would be the creation of opportunity for local medical professionals (doctors and dentists) to own their practice buildings.

AP Tolentino called attention to the EIR, with the sections on traffic mitigation being particularly of interest.

Commissioner Benich questioned the traffic analysis which has references to other agenda items this evening. "We appear to be in a precarious position of trying to 'crystal ball' 89 acres of industrial property in the future, but as time goes on, and developers ask for changes, then we see economic conditions different, if these 89 acres noted become available, we may be faced with very difficult decisions.

Chair Weston pointed to the 236 acres noted earlier tonight, asking if the 89 acres is part of this number as well? AP Tolentino responded, "No" and provided explanation regarding the absorption of twenty-two acres per year. The three applications being heard tonight, AP Tolentino said, had already been excluded from the inventory.

Chair Weston opened the public hearing.

Robert Eves of Mill Valley, representing the Venture Corporation which is the developer

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of Morgan Hill Ranch addressed the Commissioners. He explained that the Corporation had built the section of Butterfield Boulevard through Morgan Hill Ranch at a cost of \$8.2 million and were responsible for \$525,000 per year for bonds for the roads. He said that the road was built so the west side of the development could be completed. Then the economy collapsed so there was no new development. "However," Mr. Eves stated, "Butterfield is a very popular street and now we're being asked to build another street. Mr. Eves noted that the traffic engineer points out that this is level of traffic (projected) does not warrant the construction. Mr. Eves continued that there is no condition imposed at the present time to complete the rest of the project, adding the Corporation plans to change from the current zoning use into medical/dental applications. He stated, "Large numbers of medical people want to have the use converted and we feel we – and they - should not have to pay more to build additional road merely to convert small portion of the project to the requested use.

Mr. Eves went on to explain that de Paul Health Center had asked the applicant to remove the surgery center and the MRI imaging center. Mr. Eves said that if de Paul goes ahead with their plans for such installations, there would be too much competition for doctors and dentists at his location. Mr. Eves explained that the medical community with which he is dealing doesn't want to be tenants at de Paul; they want to own their own buildings. Mr. Eves said that O'Connor Hospital (in cooperation with the de Paul Health Center, asked him to remove surgery center from application for a one-year period; this occurred this six months ago. Mr. Eves stressed that he is asking for modification of permitted uses in the business park, and the prime reason for the request is to meet the needs of his clients who want to be owner and further that they do not want to be located at the de Paul facility. "We're asking that the right to have an imaging center not be taken away," Mr. Eves declared.

Commissioners, Staff and Mr. Eves discussed the staff report which questions conversion of part of the land from industrial to medical/dental office use.

Mr. Eves told of vacant industrial land space in San Jose and San Francisco which he described as comparable to 2.5 miles of square miles of vacant space under roof. "In order to absorb the vacant land in Silicon Valley, it would take eight 'boom' years," Mr. Eves declared. He went on to tell Commissioners, "We have 132 acres in Morgan Hill Ranch now. "That property has been on the market for four years; we've tried to market it ourselves. We have had no offers," Mr. Eves said. He then told the logistics he has researched, indicating that Morgan Hill has at least a 25-year supply of vacant industrial land.

Commissioner Lyle led discussion regarding 'healthy rate' of growth for eliminating vacancy. Mr. Eves commented that currently, "we are going the other direction – there are more vacancies in than prior within the past year."

Chair Weston discussed the applicant's impression that there is a condition not to have an imaging center. Mr. Eves said the 'Ranch' is entitled to have the imaging center already, and is prepared to do so. Discussion followed as to the understanding with de Paul and the length of time needed to complete such a center. Mr. Eves stressed that his clients do wish to re-incorporate both the surgery center and an imaging center. "If de Paul gets such facilities, it is not likely the Ranch would proceed with such plans. But we are entitled to do so today and merely want to retain the flexibility."

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Commissioner Acevedo clarified with Mr. Eves the issue of construction of the Sutter Street extension. Mr. Eves assured Commissioners that there is aim to build the street (close the loop), 'but we're talking about asking for additional time to build that street. We absolutely intend to build but want to wait until use warrants it'

Commissioners clarified issues of the City of Morgan Hill storm water detention pond and which parts of traffic to be constructed on a time schedule.

Gaye Quinn, 600 Miller Street, said she was also associated with the Venture Corporation. "I have one thing, though, to add," Ms. Quinn said. "The mitigated negative declaration traffic section indicates that some things need to be completed now, whereas prior mitigations (she cited the year 2000) were tied to specific target times of development (sections TC 6 and 8)." Chair Weston said he understands that if the resolution is passed, the mitigations for traffic must be completed now."

Brian Kelly, 350 Digital Drive, presented what he referred to as a 'macro understanding of the market place' which he said presents a 'true' method of land absorption. Mr. Kelly gave a history of the valley opening up, and stated that currently there is more space than will be needed in next 10 – 15 years.

Dick Oliver, 1556 Morning Star Dr., told Commissioners he is a part time resident of the City and a member of Morgan Hill Health Foundation. Mr. Oliver referenced a letter in Commissioners' packet from personnel at O'Connor Hospital. "I am assuming that the surgical center and MRI center are discretionary. I'm not suggesting taking those facilities out but asking the Commissioners to look at the effect. These centers would be detrimental to the de Paul center and should be studied by the Commission." Mr. Oliver said O'Connor is right on verge of having the Health Center developed. Mr. Oliver said community can't and won't support two surgical and MRI centers. "If they are discretionary, I would like to have that provision removed," Mr. Oliver said. He went on to discuss vacant space, saying, "It seems like a lot, but there seems to be housing shortage," as he reminded that other areas have converted industrial to residential. Mr. Oliver stressed that he does support the Morgan Hill Ranch development with medical and dental offices as he believes they would be beneficial to the community.

Chair Weston asked Mr. Oliver what he saw as a reasonable time to have for de Paul to have an imaging center in place. Mr. Oliver responded that it takes a significant amount of time – and estimating that two years would probably be realistic. Responding to a question from Chair Weston Mr. Oliver reiterated he feels that the community can't support two facilities like that being discussed.

Mike Achkar, 31549 Monterey Road, representing Morgan Hill Medical spoke next, and telling Commissioners that he currently owns the property at Cosmo and Dunne which has been available for lease for medical offices for three years. "Originally we had hopes for medical facilities as it is currently zoned. Most doctors have indicated to us they wanted to be next to the hospital. So now we're looking at mixed use as research has shown that there is no interest in putting medical offices at this location." Mr. Achkar explained that he has been in the medical design and construction business for ten years. He expressed the belief that most Doctors want to be next to a hospital and dentists want more (visible) exposure. Mr. Achkar concluded that he wants a marketing opportunity doesn't see the need for medical space in the City 'more than what's available now'.

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Commissioner Acevedo asked Mr. Achkar if he has attempted to sell the property as medical availability? Mr. Achkar told of the efforts to sell the site, but told Commissioners that 'no one expressed interest'.

With no others indicating an interest in speaking to the matter, the public hearing was closed.

Commissioners discussed with staff the following relating to this application:

- MRI center (and whether it is allowed under current zoning [yes])
- surgery center
- traffic
- availability of industrial land
- whether any surgical procedures could be completed in a doctor's office
- the number(s) of procedures which are limited to completion within a specified building within a specified time frame
- group I occupancy

Commissioner Benich said he agreed with some of comments regarding surgical and MRI center(s) service to a City the size of Morgan hill and informed he was leaning toward not having MRI center at the application location. "I think the City needs this kind of facilities, but at this location it may be detrimental to what the City, though the Health Foundation, is trying to do."

Commissioner Engles asked if the MRI center is so important to the total project?

Mr. Eves said that question is difficult to answer. "All the doctors and dentists (about 20) we're working with say it's a great incentive to have MRI on site. It has great appeal to all we've talked to – not essential perhaps, but attractive."

Commissioners then discussed the "I" occupancy requirements in depth, particularity enforcement issues. .

Ms. Quinn spoke on mobility of patients under general anesthesia as a building code issue, and telling Commissioners that doctors understand the requirements.

Commissioner Lyle asked the applicant how many offices are anticipated for construction? Mr. Eves responded by comparing this center with one he has in Hercules, CA, saying that about 60,000 sf will be needed if there is not to be a surgery center. He added that he is finding the average size of a medical office is about 3,000 sf. Mr. Eves said this site has about 40,000 sf, and the offices would 'probably be about 2,000 sf so most likely around 20 medical offices'. Mr. Eves responded to Commissioner Lyle's question about enforcement of the "I" group by saying that other medical facilities he works with are deemed to practice self discipline in enforcing such things as no more than five surgeries per building.

PM Rowe commented that tenants would have to submit plans for approval and it can easily be determined from that what procedures would be planned for the various offices.

Commissioner Acevedo said that in October, 2003 the owner of an MRI center had

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indicated interest in a center at that location. "Is he still on line for an installation?" Commissioner Acevedo asked the applicant. Mr. Eves responded that the applicant is still interested, but wants to be an owner, not a renter.

Commissioner Benich stressed he disagrees with the fact that the concept is acceptable.

Chair Weston told Commissioners he feels they would be doing a real disservice to the hospital if an MRI center is allowed at this location. "If we allow an MRI here, it would be detrimental to the hospital's efforts. The City's future relies on the hospital," he declared.

Commissioner Engles said he would like to see a timeline on the hospital producing an MRI center. "If it's not done in 12 months, then it would be ok here (Morgan Hill Ranch) for an MRI center.

Commissioner Acevedo said, "if a doctor plans to own and wants to come here – if they're ready to come on line, come on!"

Commissioner Lyle inclined to allow an MRI center, but delay it a bit. He said it would be an attraction for doctors to own their offices, and cautioning if there is not an MRI center here, the City could lose doctors. "I understand, but am not clear that the City can't support two such facilities. It could be a question of timing and my concern is that doctors may not be come here if they can't own. I'm not sure the city should be saying the applicant shouldn't be doing something.

Commissioner Benich urged Commissioners to think of giving support to the Health Foundation and repeating that he is not leaning toward two such centers.

Commissioner Engles said he wouldn't condition the property to eliminate the centers. Commissioner Acevedo agreed, stating he felt the same.

Chair Weston reminded that the Venture Corporation feels they have put enough money into transportation matters, but he stated that the Digital and Jarvis intersections are dangerous, and need some kind of mitigation adding that he feels some kind of time table for improvements is necessary. Chair Weston suggested delaying the signalization or committing to development of an alternative traffic pattern is critical. "I think the signal needs to be put in now and the developer should put in the street within two years," he stated.

Commissioners then discussed with staff the traffic report and the recommended mitigations. SE Creer spoke to some of the mitigations proposed: TC1 when originally proposed, Sutter Place was to be completed. That construction has not been completed now, and the applicant intends to ask for an extension. SE Creer explained that if the signal were to be installed, it would alleviate problems at Digital and Butterfield. The need for completion of Sutter is not now, he said, if the signal was put in at Digital Drive and Butterfield (TC2) it could be a temporary installation. SE Creer also responded to questions regarding TC 5, 6, and 8 which will 'trip' various activities in completion levels.

COMMISSIONERS ACEVEDO/ ENGLES MOTION TO APPROVE THE

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MITIGATED NEGATIVE DECLARATION . THE MOTION PASSED WITH THE AFFIRMATIVE RESPONSE OF ALL COMMISSIONERS PRESENT; ESCOBAR AND MUELLER WERE ABSENT.

Commissioner Acevedo commented the Greenbelt Study could potentially identify more industrial land. Commissioner Lyle agreed, adding there could be an argument that if there is identified land, the City should force those lands into the industrial land use zoning as well.

Commissioner Engles differed, saying he feels the numbers produced by staff (inventory of industrial land available) is 'very aggressive'.

Commissioner Lyle said some land which has been identified as industrial is so far away from development, that it matters little in an inventory.

Commissioner Benich commented it is conceptionally more a question of what the properties have the potential to be rezoned to.

COMMISSIONER ACEVEDO OFFERED RESOLUTION NO. 04-68, RECOMMENDING APPROVAL OF A ZONING AMENDMENT TO ALLOW GENERAL OFFICE USES AND UP TO 40,000 SF OF MEDICAL/DENTAL OFFICE USES WITHIN DIGITAL ISLAND OF THE MORGAN HILL RANCH BUSINESS PARK WITH THE FINDINGS AND CONDITIONS CONTAINED THEREIN AND WITH THE FOLLOWING MODIFICATIONS:

**T/C-3 ...constructed, ~~monitor the Butterfield Boulevard/Jarvis Drive South/Digital Drive North intersection, and~~
T/C-7 OMIT**

COMMISSIONER ENGLES SECONDED THE MOTION WHICH PASSED BY THE FOLLOWING VOTE: AYES; ACEVEDO, ENGLES, LYLE, WESTON; NOES: BENICH; ABSTAIN: NONE; ABSENT: ESCOBAR, MUELLER.

Commissioner Mueller rejoined the meeting at 9:04 p.m.

NEW BUSINESS **(CONTINUED):**

3) UP-04-08: E. DUNNE- CINGULAR WIRELESS

A request for a use permit to allow the installation of a forty (40') foot tall, twelve (12")inch diameter telecommunications facility, disguised as a flag pole, and an accessory equipment structure at the Santa Clara County Fire District station at 2100 E. Dunne Avenue. The site is approximately 0.29 acres in size and is located in the Public Facilities (PF) zoning district.

PM Rowe presented the staff report: this installation will be a replacement with a new service which is needed because of current coverage being poor or lacking. PM Rowe reported this will improve service with a low level of maintenance. The equipment will be in a structure adjacent to the fire station. Because of the location this installation will be difficult to view by the public, PM Rowe said. The flagpole is more dominant on the site, at a new location, but the Commissioners have approved other similar sites.

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PM Rowe explained the height of the pole and the location of the panels on the pole as he answered Commissioner Lyle's questions about height.

Commissioner Benich questioned elements of the site plan; PM Rowe explained this is a 'replacement'.

Commissioner Mueller noted that the equipment building will be attached to the fire station, and asked if fire suppression is present and readily available? PM Rowe said this did not appear to be an issue. Commissioner Mueller reminded that the Commissioners it would be well to include a condition for coverage of problems with fire equipment use, so in the event of conflict, the station 'wins'. PM Rowe spoke on the County Fire Department and their willingness to co-join in this venture. Commissioner Mueller continued that the Commissioners typically ask for joint use with the City's emergency services.

Chair Weston opened the public hearing.

Matt Runte, 3860 Industrial Way, Benica, was present representing Diamond Services and told Commissioners he had prepared the antennae report and would address questions.

Commissioner Benich questioned installation procedures.

Andrew Miner, 4420 Rosewood Dr., building 2, was present as the planning representative of Cingular. He explained the plan for installation and provided a brief update in which he indicated agreement with the Staff report. Mr. Miner said that the new flagpole is in a location similar to the previous one but somewhat different for esthetic reason. Mr. Miner assured Commissioners the company will have no problem with the changing location, and agreeing it will probably be slightly different but not visible by the public.

Commissioner Benich asked if the flag will be lighted at night? Mr. Minor said, "No it will be the same as now." Commissioner Benich asked if other locations had been considered. Mr. Miner explained, "Yes, but they were not deemed to be feasible." He explained that this location was the considered 5th spot the company had tried. "This is a difficult area to cover but this will be the spot that fits within neighborhood," Mr. Miner explained.

Responding to a question from Commissioner Lyle regarding the height, Mr. Miner explained that the engineering department decides how high, and then conducts dry tests for signals. "Here," he said, "the areas of service wouldn't work if lesser footage was applied; 40 feet is right at the edge."

Mr. Miner then responded to Commissioner Mueller's questions about the equipment cabinet and fire suppression devices. Mr. Miner said the enclosure is metal; will match the siding of fire department haven't had to do fire suppression in past – follow fire department suggestion regarding the matter. . He also agreed to the condition of availability for transmission of emergency data for the City's services.

With no others present to address the matter, the public hearing was closed.

COMMISSIONER MUELLER OFFERED RESOLUTION NO. 04-77 APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE INSTALLATION OF A FORTY FOOT TALL, TWELVE INCH WIDE TELECOMMUNICATIONS TOWER/FLAGPOLE AT THE SANTA CLARA COUNTY FIRE DISTRICT STATION AT 2100 EAST DUNNE AVENUE, WITH THE FINDINGS AND CONDITIONS CONTAINED THEREIN AND WITH THE FOLLOWING MODIFICATIONS:

Other Conditions

- (1) Joint use for transmission for the City's emergency services, if practical**
- (2) Conflict resolution: if interference with fire department operations, the fire department wins**
- (3) Santa Clara County Fire Department will be requested to revisit suppression issue**

COMMISSIONER ENGLES SECONDED THE MOTION.

Commissioner Lyle said he wanted to be sure that his concern of a 40-foot tower in a residential area is noted. Commissioner Lyle said a part of the issue is the possibility of excessive emissions.

COMMISSIONER MUELLER AMENDED THE MOTION TO INCLUDE FIELD TESTING TO ENSURE THAT EMISSIONS WOULD NOT BE EXCESSIVE AT THE SITE. COMMISSIONER ENGLES AGREED TO SECOND THE AMENDMENT. THE MOTION WHICH PASSED BY THE FOLLOWING VOTE: AYES; ACEVEDO, BENICH, ENGLES, MUELLER WESTON; NOES: LYLE; ABSTAIN: NONE; ABSENT: ESCOBAR.

**4) UP-04-04:
W. MAIN-
CINGULAR
WIRELESS/
METRO PCS**

A request for a conditional use permit to co-locate a cellular antenna site on an existing Pacific Gas and Electric transmission tower located approximately 290 feet south of the West Main Avenue and Crest Avenue intersection in the Multi-Family Medium (R-3) zoning district.

PM Rowe gave the staff report, saying this will be the installation of six pair of antennas.

Chair Weston opened the public hearing.

Luke Stamos, 2216 The Alameda, Santa Clara, said his company would be putting a 'top hat' on an existing PG&E tower. Commissioner Mueller asked how tall (high) the tower is, estimating it to be 100 feet +/- . Mr. Stamos agreed with the estimate.

With no others present indicating a wish to speak to the matter, the public hearing was closed.

Commissioner Acevedo spoke in favor of this installation, but reminding that the City – through the Planning Commission – needs to set a policy for disguising these installations in the future. PM Rowe assured this is 'in the mill' for presentation to the Commissioners.

COMMISSIONER ACEVEDO OFFERED RESOLUTION NO. 04-78

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APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE INSTALLATION OF SIX (6) PANEL ANTENNAS ON TOP OF AN EXISTING HIGH VOLTAGE LATTICE TOWER AT THE PACIFIC GAS AND ELECTRIC COMPANY SUBSTATION AT 330 WEST MAIN AVENUE, WITH THE FINDINGS AND CONDITIONS CONTAINED THEREIN, AND WITH THE FOLLOWING MODIFICATION:

Other Conditions: there shall be joint use with emergency service of the City, dependent on technology ability

COMMISSIONER BENICH OFFERED THE SECOND TO THE MOTION, WHICH CARRIED WITH THE UNANIMOUS VOTE OF ALL COMMISSIONERS PRESENT AND ESCOBAR WAS ABSENT.

**5) GPA-04-04/
ZA-04-10:
MONTEREY-
MORGAN HILL
MEDICAL**

A request to amend the general plan land use designation and zoning designation on a 2.9 acre parcel located on the west side of Monterey Rd., 350 ft. north of Cosmo Ave. The current land use designation is non-retail commercial. The requested land use designation is Commercial and the requested zoning is General Commercial.

PM Rowe reported that it was originally thought this matter was to be tabled, but the applicant now asks to have heard August 31, 2004.

Chair Weston opened the public hearing.

Mike Achkar, 31549 Monterey Road, representing Morgan Hill Medical, the applicant, was present but told Commissioners that since no background materials (staff report) had been presented he was unable to address issues. Mr. Achkar expressed concern that he was told a traffic study is needed, and now has been told that study will cost in excess of \$30,000. Mr. Achkar said he is not prepared to spend that kind of money, and so must go back to the Board of Directors of Morgan Hill Medical for permission. PM Rowe said the traffic study has been completed. Mr. Achkar protested he was supposed to get estimate, didn't get.

Commissioners discussed with Mr. Achkar that the ramifications of requesting a table of the matter tonight, cautioning then it would not be acted on until April, 2005.

Mr. Achkar said he would like to know if the Planning Commission is interested in continuing the matter. Chair Weston said, "You need to tell us how you wish to proceed. We will not tell nor discuss the matter until we know your intentions." Commissioner Lyle agreed, saying, "Do you want to proceed?" Mr. Achkar replied in the affirmative.

COMMISSIONER MUELLER MOTIONED TO CONTINUE THE MATTER TO AUGUST 31, 2004. COMMISSIONER ACEVEDO SECONDED THE MOTION, WHICH CARRIED WITH THE AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT, AND ESCOBAR WAS ABSENT.

Commissioner Engles was excused at 10:15p.m. due to a potential conflict of interest in the next agenda item.

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**6) GPA-04-03/
ZA-04-09:
BUTTERFIELD-
SOUTH VALLEY
DEVELOPERS**

A request for approval to amend the General Plan and Zoning designations of an approximate 15.8-acre area within the Morgan Hill Ranch Business Park to Multi-family Medium and PUD (R3), respectively. The current General Plan and Zoning designations are Industrial and PUD (R&D/Manufacturing). The subject site is located at the southeast corner of Monterey Road and Cochrane Road.

AP Tolentino presented the request which represents a General Plan change request. A conceptual plan has been presented, but the project must still go through the Measure P process, AP Tolentino stated.

Commissioner Acevedo said he remembers reading that when the Morgan Hill Ranch idea was conceived, part of the project would be residential. He asked about that fact and wondered how much was originally planned to be residential?

PM Rowe explained the area of the project had been designated for non-manufacturing business, noting that essentially the commercial portion extended around perimeter where the shopping center (Cochrane center) is. Over the years, there has been elimination of the non-manufacturing category. PM Rowe reminded that, in a 1999 amendment was passed granting the applicants the ability to expand the residential area to Jarvis. PM Rowe informed that staff recommended adding residential to the project to add a neighborhood. PM Rowe indicated that the applicant did not want to commit to residential at that time, so it was 'no go'.

Chair Weston opened the public hearing.

Scott Schilling, 16060 Caputo Dr., #160, told Commissioners he is asking for approval of rezone for 15 acres of land that currently surrounds a block at Cochrane Road and Butterfield. He explained the location of the apartments, telling Commissioners the extension of Jarvis surrounds the Cochrane Village Apartment Building as he spoke on the existing zoning. Mr. Schilling reiterated this is for a rezone of 15 acres. Mr. Schilling said, "We have submitted a conceptional layout plan for multifamily zoning compatible with the existing neighborhood. This project will help and works with exiting housing." Mr. Schilling said he has the field ability to come in and master plan the community so the City will get attractive open market housing that we haven't had for many years. "This will have high quality living qualities in the project, with outstanding architectural style and will be compatible with the area," Mr. Schilling said. He gave a list of the benefits, including good transition of land use. Mr. Schilling stressed that the developers promise needed infrastructure for the City.

Commissioner Lyle led discussion of attached versus detached housing in the project. Mr. Schilling explained this is a combination of patio/garden homes so it will be 15% patio homes and 85% condos.

With no others present wishing to address the matter, the public hearing was closed.

Commissioners questioned some portions of the traffic study, saying there were some issues: the same numbers and data are included as in other projects presented this evening. "It feels this is different, the background data is different, and it can't be reconciled in the mitigations," Commissioner Lyle said as he talked of ingress to

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Monterey Road. "This is not logical. I don't know how it fits." Commissioner Lyle asked if the traffic study completed for this project is valid? "It looks as if this would create less traffic; I perceive many problems with this traffic report," Commissioner Lyle commented.

Daniel Takacs, 1300-B First Street, Gilroy who works for Higgins Associates, Civil and Traffic Engineers was present. Mr. Takacs told Commissioners that all the studies were completed at the same time and his firm tried to achieve consistency. A previous study for the business park was used, projecting a 10 year build out. Mr. Takacs told how studies elements were determined and told Commissioners that the background(s) were consistent for all the projects.

Discussion ensued regarding the various aspects of data in the traffic studies such as guidelines for growth, projections for build outs, substantial differences of timeframes, and need for adjustments.

Mr. Takacs told Commissioners that, with regard to impacts, the data may have changed as originally it was based on commercial development. He then discussed 'disconnects' on the mitigation based on the General Plan Supermodel (has been proved to be wrong).

Commissioner Mueller stressed the inaccuracies of the General Plan.

PM Rowe explained how projections from the model presented data to 2025. Commissioner Mueller said that the 2025 projections have major flaws, adding, "This is basis for concern and we need to provide guidance in the matter." PM Rowe told Commissioners he will have the numbers reviewed before going to the City Council. To that end, Commissioner Mueller raised several instances where the data (*in the General Plan traffic studies*) is 'off'. Mr. Takacs concurred.

Another item of concern in the traffic study was noted: Page 14 right of way for Sutter place may be wrong; there is not enough space to do what needs to be done [SE Creer said no more rights of way need to be obtained as it should be possible to fit four lanes within the exiting 68-foot right of way].

PM Rowe pointed out that a map has been recorded and the matter should have been resolved when map was recorded. Discussion then followed regarding the necessity for solving or making corrections, and an insistence they be done 'right'.

Commissioner Lyle voiced concern that in the conditions, there is talk about moving the project driveway, stating he doesn't think there should be a drive before Cochrane Circle. He also inquired what do about pass-through traffic?

Chair Weston brought up issues with T/Cs 1, 2 and 3. He inquired if the intersection at Cochrane and Butterfield would be changed? Mr. Schilling responded that the Venture Corporation will be responsible for the costs of changes at that location.

Commissioner Mueller spoke on the need for recalculating thresholds as the project continues and when the Venture Corporation would have traffic improvements triggered.

Commissioner Lyle questioned whether it is appropriate to rezone industrial to residential

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as he believes the City needs more R-3 land. He indicated the focus of downtown is to get more R3, and this project interferes with that focus. Mr. Schilling this doesn't interfere with that plan, adding he does think there is a need to get R-3 going quickly. Commissioners expressed concern about lack of service for residential development in the area: transportation, food (grocery) which are not in general plan. Commissioners spoke on the goals for detached/attached housing balance. Commissioner Lyle said, "I think there are a lot of problems with the lack of amenities, and the project not being in focus with the City's goals and the General Plan."

Considerable discussion followed regarding the following points:

- discretion to have the City Council favor downtown with R-3
- the project's proximity to working areas (possibility of alternative transportation [bicycle] use)
- presentation of a welcoming residential area to the City
- concern about losing industrial land – the three proposals presented this evening would cause escalated depletion of inventory
- R-3 downtown would be violated; but interest in obtaining an end product which would work well for city
- this type of housing very much needed in City
- the need for transportation for this type of housing says probably get more cars than public transportation
- concern that the 'timing is off'
- belief that there will be grocery stores and shopping coming to Cochrane

Commissioner Acevedo reminded that with Measure C it may take five years to get the project started, adding he thinks the set asides in down town may preclude this development.

There was discussion regarding the historic plan for the area.

Commissioner Acevedo said he thinks there could be more residential here and told Commissioners he would be willing to explore another train stop in this area. "A park and a train stop established on City property would be OK," Commissioner Acevedo said.

COMMISSIONER ACEVEDO MOVED ACCEPTANCE OF THE MITIGATED NEGATIVE DECLARATION WITH THE FOLLOWING MODIFICATIONS: ELIMINATE T/C1 AND T/C2; AND ADD TO T/C 5: NO DRIVEWAYS ALONG COCHRANE ROAD.

(Commissioner Lyle insisted there is not enough room.)

COMMISSIONER MUELLER SECONDED THE MOTION WHICH PASSED WITH THE FOLLOWING VOTE: AYES; ACEVEDO, BENICH, ENGLES, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: ESCOBAR.

Mr. Schilling returned to the podium, asking for attention to Resolution No. 04-82, item 7, requesting that staff be allowed to review for zoning; and Resolution No. 04-81, item 5. Both of these items concentrate on the request of the General Plan amendments becoming effective following 'cure' of all defaults of any subdivision improvement

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agreement, including payment of assessments, penalties, and interest, etc. Mr. Schilling explained that there is need to have zoning changes complete in order for the projects to compete in the Measure C process.

PM Rowe explained that the pre-zone on this property is somewhat dependent on the other properties in the area. Mr. Schilling requested the ability to have the rezone complete and correct defaults as the project progresses. He continued to call attention to the requirement 'no allocations awarded until rezone is completed and the defaults cleared'. Mr. Schilling said that the defaults appear to be related to the installation of public works requirements, assuring Commissioners that will be completed.

Commissioner Mueller expressed concerned about the affordable aspects of the project. "We don't want to lose the affordability aspect," Commissioner Mueller declared. Mr. Schilling said, "What controls pricing is density," as he explained, "this is a different type of project, in this type of zoning, you get the lowest priced." Mr. Schilling then told of the various kinds of housing pricing in this kind of project. Mr. Schilling told Commissioners it is important to let the open market control pricing as he expressed a desire to build open market/entry housing.

COMMISSIONER ACEVEDO OFFERED RESOLUTION NO. 04-81, RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT GPA-04-03: BUTTERFIELD – SOUTH VALLEY DEVELOPERS TO AMEND THE LAND USE DESIGNATION FROM INDUSTRIAL TO MULTI-FAMILY MEDIUM FOR TWO PARCELS TOTALING 15.78 ACRES IN SIZE, LOCATED AT THE SOUTHEAST CORNER OF COCHRANE ROAD AND MONTEREY ROAD IN MORGAN HILL RANCH BUSINESS PARK TOGETHER WITH THE FINDINGS AND CONDITIONS CONTAINED IN THE RESOLUTION, AND WITH THE FOLLOWING MODIFICATION:

Section 5: approving the rezone; however, the defaults must be cleared before allocations can be awarded.

COMMISSIONER MUELLER OFFERED THE SECOND TO THE MOTION, STRESSING THE NEED FOR THIS TYPE HOUSING IN THE CITY. THE MOTION WHICH PASSED BY THE FOLLOWING VOTE: AYES; ACEVEDO, BENICH, MUELLER WESTON; NOES: LYLE (citing continued concern of rezoning of industrial land to residential); ABSTAIN: NONE; ABSENT: ENGLES, ESCOBAR.

COMMISSIONER ACEVEDO OFFERED RESOLUTION NO. 04-82, RECOMMENDING APPROVAL TO AMEND THE ZONING DESIGNATION FROM PUD, RESEARCH AND DEVELOPMENT MANUFACTURING TO PUD, R3 MEDIUM DENSITY RESIDENTIAL FOR TWO PARCELS TOTALING 15.78 ACRES IN SIZE, LOCATED AT THE SOUTHEAST CORNER OF COCHRANE ROAD AND MONTEREY ROAD IN THE MORGAN HILL RANCH BUSINESS PARK WITH THE FINDINGS AND CONDITIONS AS NOTED, AND WITH THE FOLLOWING MODIFICATION:

Section 7: approval is given for the rezone, but allocation award is withheld until the defaults are cleared.

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COMMISSIONER BENICH SECONDED THE MOTION WHICH CARRIED WITH THE FOLLOWING VOTE: AYES; ACEVEDO, BENICH, MUELLER, WESTON; NOES: LYLE (citing continued concern of rezoning of industrial land to residential); ABSTAIN: NONE; ABSENT: ENGLES, ESCOBAR.

Commissioner Engles returned to the meeting at 11:27 p.m.

**7) GPA-04-05/
ZA-04-11:
COCHRANE-TBI**

A request for approval to amend the General Plan and Zoning designations of an approximate 7.72-acre area within the Madrone Business Park to Commercial and PUD (CG), respectively. The current General Plan and Zoning designations are Industrial and ML, Light Industrial. The subject site is located at the northwest corner of Cochrane Road and Madrone Parkway.

AP Tolentino presented the staff report, reiterating information about the scope of industrial road available. AP Tolentino told Commissioners this is in the same area as two previously discussed items: Venture Corporation and Mr. Schilling's project. In this case, the applicant wants to feature property which can attract business friendly settings such as restaurants, etc. AP Tolentino said the request is consistent with exiting uses.

Chair Weston opened the public hearing.

Dan Amend, of TBI development group spoke to the Commissioners, saying the land use change is needed, and is easily 'relatable to commercial uses in the Cochrane Business Park. Mr. Amend said his company did trade out commercial property originally located on Monterey Road, noting that now there is effort to bring rural residential into the industrial zoning area. At this particular location, Mr. Amend said, having commercial befits the City. Mr. Amend called attention to the staff report, saying there were some sections he did not agree with. "For example, we want to investigate the possibility of a grocery (Trader Joe's was Commissioner Mueller's suggestion) as well as drug stores for the complex. But we are here for use designation, not presentation of a specific plan We would like to see continuation of exploration for the medical/dental component, but our emphasis, first and foremost, is to serve business community. Turning attention to the traffic report, Mr. Amend said emphasizing T/C 3 and T/C 4 (these deal with right-of way issues and additional lane for through traffic at the intersection of Cochrane Road and Madrone Parkway. Mr. Amend then offered to address any concerns the Commissioners might raise.

Commissioner Benich said in his opinion, this project is different from the other two heard at this meeting. "There is nothing specific here," Commissioner Benich declared, "I'm worried this is nothing more than a land speculation deal."

Mr. Amend said, "TBI has been doing projects in Morgan Hill for 20 years." He told of the progress during that time relating to this particular property. Mr. Amend told of a prior owner which has a large board of directors, who have been 'challenging to work with'; but he insisted TBI is not doing this project as a land speculation.

With no other persons present indicating a wish to speak to the matter, the public hearing was closed.

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Commissioner Mueller asked Frederik Venter, 1300-B First Street, Gilroy, who works for Higgins Associates, Civil and Traffic Engineers, to address the traffic questions which the Commissioners have. In particular, Commissioner Mueller said the report for this project indicates there will be little traffic generated from Business Park, yet the applicant has ambitious plans for the development.

Mr. Venter tells of the methodology for the traffic analysis, telling Commissioners this is a very conservative analysis.

Commissioner Lyle looked at T/C1, asking if there is enough space to complete u-turns? Therefore, because of the question, the viability of T/C 1 could be challenged.

Mr. Venter spoke of the existing condition at the site, saying, "No, (enough space to complete u-turns) but the other noted mitigations would provide space for that maneuver."

Commissioner Lyle continued, saying, "Also the left turn onto Monterey Road mitigation proposal needs explanation as it appears this is asking for things that don't match the General Plan or what is there right now." Commissioner Lyle then turned to T/C 4 and T/C 6, asking Mr. Venter, "Did you mean it should be extended to Sutter? What was the intent?"

Mr. Venter responded, "It is not necessary now, but that would be a benefit to the City to have a stop before Sutter."

SE Creer joined the discussion, saying it would be preferable from a Public Works point-of-view to transition either side of the intersection. SE Creer also spoke on the widening of Madrone Parkway (which the Circulation Element of the General Plan doesn't speak to) - nor does the impact study address the matter. Still, SE Creer said, the mitigation is worthwhile.

Discussion ensued regarding other traffic questions:

- placement of 3 lanes making the turn and whether there would be enough room to turn onto Highway 101 (Mr. Venter explained that overhead signs will be labeled for directional turns)
- the use of Madrone Parkway as a bypass from Cochrane (proposed mitigation would help to alleviate the problem)
- the applicant has indicated greater concern for Cochrane Road issues than Madrone Parkway at this time

Mr. Amend said his concern at this time is to have the land use approved.

Commissioner Mueller expressed concern that some unresolved issues need discussion at the August 31, 2004 meeting.

Commissioner Benich agreed, saying permitted uses should be discussed. He noted that he would like to see inclusion in the discussion of perhaps an arts and crafts gallery, some specialty stores, and certainly a drug store.

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Other Commissioners were in agreement, as well, and suggested other possible issues:

- inclusion of dental and optical offices
- eliminate drive through uses

Commissioner Lyle commented that this site not be the best for the varied uses being discussed.

Commissioner Mueller said that one problem with those types of uses being discussed is that there is a need to keep to the service(s) for use by the clients of the Business Park. Commissioner Mueller said he would agree with placement of dental and optical offices, but not a grocery nor a drug store.

Commissioner Benich thought options should be kept open, saying, "I would like to see something pertinent placed at the site."

COMMISSIONER MUELLER MOTIONED TO CONTINUE THE MATTER OF GPA-04-05/ ZA-04-11: COCHRANE-TBI TO THE AUGUST 31, 2004 PLANNING COMMISSION MEETING FOR DISCUSSION AND POTENTIAL RESOLUTION. COMMISSIONER BENICH SECONDED THE MOTION, WHICH PASSED WITH THE AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; ESCOBAR WAS ABSENT.

OTHER BUSINESS:

8) COMMENTS FOR BULLET TRAIN ENVIRONMENTAL IMPACT REPORT (EIR)

Review and provide comments for the Draft Environmental Impact Report for the proposed high speed bullet train.

Noting the lateness of the hour, Chair Weston suggested that if Commissioners have comments, they should be given off line to PM Rowe as soon as possible. He reminded there would be another opportunity to address the City Council on August 18th. Chair Weston stated if Commissioners want to participate, they should have their individual comments forwarded to PM Rowe.

Commissioner Mueller questioned viability of having a 2 – 3 story train structure downtown. "Will it be out of place?" he wondered. "If it is designed right, it may OK."

Commissioner Lyle said there is real concern about lack of parking.

Discussion ensued regarding the speed of the train .

Commissioner Lyle stressed it is important to sent concerns into staff as he has done, noting that some items in his response(s) have not been considered in the EIR. He indicated he intends to restate those concerns raising them again, in addition to the underpasses and overpasses, Commissioner Lyle said, there needs to be consideration of the tunnels and security therein.

ANNOUNCEMENTS:

Chair Weston reminded of the workshop on August 31 which will begin at 6:00 p.m. followed by the scheduled meeting to discuss the items postponed tonight to that meeting. An agenda will be posted.

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The City Council is preparing to begin the summer break.

ADJOURNMENT: With no further business to conduct at this meeting, Chair Weston adjourned the meeting at 12:05 a.m. August 11, 2005.

MINUTES RECORDED AND PREPARED BY:

JUDI H. JOHNSON, Minutes Clerk

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